

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FOX RIVER RAIL CAR CORPORATION,

Plaintiff,

Case No. 03-C-389

vs.

ILLINOIS TRANSIT ASSEMBLY CORPORATION,

Defendant.

ORDER FOR JUDGMENT

This matter having been scheduled for a two day trial before the Court beginning on February 20, 2007; and

The Court having been advised on or about February 16, 2007 that the parties would attempt to stipulate to the entry of judgment; thereafter, the Court was advised on the morning of February 20, 2007 that the signature of a representative of the Defendant could not be obtained; and

Upon the request of Plaintiff's counsel, the Court conducted a status conference call on February 20, 2007 and was advised by counsel for the Defendant that no representative of the Defendant intended to appear at the trial and defend against the Plaintiff's case; and

Plaintiff's counsel having made an oral motion to the Court for an order striking the Defendant's Answer and Affirmative Defenses and requesting the entry of judgment by default based on the failure of the Defendant to participate in the scheduled trial and the Defendant's failure to otherwise defend as provided by the applicable rules of civil procedure; and

The Plaintiff having submitted its affidavit of damages detailing the amounts it has been damaged by the acts of the Defendant as set forth in the Complaint.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Answer of the Defendant, Illinois Transit Assembly Corporation and its Affirmative Defense is stricken and the Defendant is in default for failure to answer, participate and otherwise defend as required by the applicable rules.

2. The allegations of the Plaintiff's Complaint are deemed true and correct and the Plaintiff is entitled to a judgment of liability as a matter of law.

3. Based upon the Affidavit of Charles A. Wiesner, President of Fox River Rail Car Corporation on file in this action, the Plaintiff has incurred damages in the amount of \$189,453.94.

4. Judgment is hereby ordered to be entered in favor of Fox River Rail Car Corporation, 300 South Oakland Avenue, Burlington, Wisconsin 53105 and against Illinois Transit Assembly Corporation, 1980 Third Street, Madison, Illinois 62060 in the amount of \$189,453.94

The Clerk of the Court shall prepare and enter a judgment in accord with this Order.

BY THE COURT:

s/ Rudolph T. Randa

Honorable Rudolph T. Randa
United States District Court Judge

Default Judgment entered this 23rd day of February, 2007.

JON W. SANFILIPPO
Clerk of Court

By: s/ Linda M. Zik
Deputy Clerk